

and aches in all her joints; * * * swollen bowels. * * * all swollen and caked * * * kidney trouble and piles. * * * risings all over my body * * * slow fevers * * * bowels began to enlarge gradually, * * * tonsillitis * * * bleeding piles. * * * appendicitis. * * * a tumor * * * kidney and gall stones; * * * milk leg * * * Spanish influenza * * * inflammatory rheumatism * * * hemorrhage of the lungs * * * rheumatism and weak kidneys * * * helped my hearing, * * * breaking out on her hands and * * * splotches on her face * * * neuritis (kidney disease), with high blood pressure. * * * high blood pressure and some Bright's * * * severe cough and night sweats," were false and fraudulent, in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 7, 1924, no claimant having appeared for a portion of the product and the claimants for the remainder of the said product having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13081. Misbranding of peanut meal. U. S. v. 340 Bags of Peanut Meal. Decree entered, ordering product released under bond to be relabeled. (F. & D. No. 19429. I. S. No. 21287-v. S. No. E-5073.)

On December 23, 1924, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 340 bags of peanut meal, remaining in the original unbroken packages at Baltimore, Md., consigned in part about August 5, 1924, and in part about October 23, 1924, alleging that the article had been shipped by the Suffolk Oil Mill, Suffolk, Va., and transported from the State of Virginia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Manufactured By Suffolk Oil Mill Suffolk, Va. Guaranteed Analysis: Protein 41 per cent."

Misbranding of the article was alleged in the libel for the reason that the statement, appearing in the labeling, "Guaranteed Analysis: Protein 41 per cent" was false and misleading and deceived and misled the purchaser, in that the said statement represented that the article contained 41 per cent of protein, whereas it contained a less amount.

On January 31, 1925, the Suffolk Oil Mill, Suffolk, Va., having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, and it was further ordered by the court that the product not be disposed of until properly relabeled to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13082. Misbranding and alleged adulteration of tomato paste. U. S. v. 392 (457) Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19219. I. S. No. 19061-v. S. No. C-4547.)

On December 8, 1924, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 457 cases of tomato paste, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Jose, Calif., October 22, 1924, and transported from the State of California into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce Contadina Brand * * * Packed By Hershel Cal. Fruit Prod. Co. * * * San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially-colored product had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato sauce or paste containing artificial color.